

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Application of
OOO PROMNEFTSTROY
for an Order to Conduct Discovery
for Use in a Foreign Proceeding.

Petitioner.

Misc. Case No. 1:15-mc-00290

DECLARATION OF SERVICE OF RUSSELL M. SOLOWAY

I, Russell M. Soloway, depose and say, that I am over the age of eighteen (18) years, and am not a party to the action.

1. I state that, on September 14, 2015, I served a true and correct copy of (1) the *Ex Parte* Petition and Request for Expedited Ruling, (2) the Memorandum of Law in Support of *Ex Parte* Petition and Request for Expedited Ruling and Application for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery From Eric Wolf For Use in Foreign Proceedings on Eric Wolf, and (3) the email from Mr. Don Fletcher, Case Manager for the Honorable John G. Koeltl, to Russell M. Soloway and Thanos Basdekis, dated September 14, 2015 at 3:27 p.m., as more fully described below:

2. At 7:45 p.m. on September 14, 2015, I arrived at Eric Wolf's residence located at 205 West 76th Street, Penthouse 1C, New York, New York. The Concierge named "Clive" called Eric Wolf. I personally spoke with Mr. Wolf and identified myself as being with the law firm of Bailey & Glasser LLP, and that I had the above legal documents for him. Mr. Wolf then instructed me to leave the documents with Clive at the front desk.

3. Further, at 11:25 a.m. on September 15, 2015, I arrived at Paragon Outcomes Management, 509 Madison Avenue, Suite 606, New York, New York and asked for Eric Wolf. Alexandra Simpson, Receptionist, notified Eric Wolf of my visit. Mr. Wolf instructed Ms. Simpson not to accept any papers from me.

4. Moreover, counsel for Eric Wolf, attorney Robert Andalman, sent an email to me dated September 15, 2015 at 11:49 a.m., asking me to stop our efforts to contact Mr. Wolf directly. (See Ex. A, at 2.) I followed up with an email at 12:35 p.m., asking Mr. Andalman to confirm that he would accept service of process on behalf of his client, Mr. Wolf. (Id. at 1.) At 12:37 p.m., Mr. Andalman confirmed that he would accept service, stating that “[w]e will not contest service.” (Id. at 1.)

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct.



Russell M. Soloway

EXHIBIT A

Thanos Basdekis

From: Robert Andelman <randelman@aandglaw.com>
Sent: Tuesday, September 15, 2015 12:37 PM
To: Russell M. Soloway
Cc: 'Jeremy Margolis'; Thanos Basdekis; Patricia Wilson; Brian Glasser
Subject: RE: Eric Wolf

Russell,

We will not contest service.

I am in a deposition until later this afternoon, but can try to call you when I am done – probably around 430.

Thanks,

Rob

From: Russell M. Soloway [<mailto:rsoloway@baileyglasser.com>]
Sent: Tuesday, September 15, 2015 11:35 AM
To: Robert Andelman <randelman@aandglaw.com>
Cc: 'Jeremy Margolis' <jmargolis@loeb.com>; Thanos Basdekis <tbasdekis@baileyglasser.com>; Patricia Wilson <PWilson@baileyglasser.com>; Brian Glasser <BGlasser@baileyglasser.com>
Subject: RE: Eric Wolf

Robert and Jeremy:

Thank you for your note concerning the Section 1782 hearing.

You have asked us to stop our efforts to contact Mr. Wolf directly. We are willing to do that, provided that you confirm that you have accepted service of process on behalf of your client. Please confirm this immediately.

We are available for a telephone call to discuss the other matters raised in your email today.

You can call Thanos Basdekis directly at 304-340-2282 and he will be able to loop me into a conference call if you would like.

Thank you,
Russell

From: Robert Andelman [<mailto:randelman@aandglaw.com>]
Sent: Tuesday, September 15, 2015 11:49 AM
To: Russell M. Soloway <rsoloway@baileyglasser.com>
Cc: Jeremy Margolis <jmargolis@loeb.com>
Subject: Eric Wolf

Mr. Soloway,

I understand that you have been attempting to contact Eric Wolf concerning Promneftstroy's petition to use US discovery rules to take his deposition for certain Dutch proceedings in which that discovery is not otherwise provided for.

We represent Mr. Wolf and have now seen the petition. Our intent is to appear on Thursday to contest the Petition, which does not present a full and fair presentation of the case. We will ask for time to file a written response and would be amenable to an agreed briefing schedule in advance. Let me know if you would like to discuss that.

In the meantime, please stop your efforts to contact Mr. Wolf directly.

Rob

Robert M. Andalman



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